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TO:	Mail Stop AMENDMENT Commissioner for Patents	FAX #:	(703) 872-9306
ATTN:	Examiner: William E. Tapolcai Art Unit: 3744	PHONE #:	(703) 308-2640
FROM:	Victor E. Johnson	FAX #:	(415) 398-3249
PHONE #:	(415) 781-1989	EMAIL:	johnson.victor@dorseylaw.com

RE:

U.S. Patent Application No. 10/791,045 for
Thermally Powered VAV Diffuser And Control Assembly
Our Docket No. A-70851-1/RBC/VEJ (Our Matter No. 463671-00069)

COMMENTS:

Kindly acknowledge receipt of the following documents by return facsimile:

1. This Fax Cover Sheet;
2. RESPONSE TO RESTRICTION REQUIREMENT.

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PATENT

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Attorney Docket No. A-70851-1/RBC/VEJ
Attorney Matter No. 463671-00069
Application No. 10/791,045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Robert S. HUNKA
 Application No. 10/791,045
 Filed: March 1, 2004
 For: **THERMALLY POWERED VAV
DIFFUSER AND CONTROL
ASSEMBLY**

Art Unit:	3744
Examiner:	William E. Tapoleci
Docket No.:	A-70851-1/RBC/VEJ

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Patricia A. Dicht
 Patricia A. Dicht

Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is responsive to the Restriction Requirement of September 24, 2004. The Examiner requires Applicant to elect one of the following groups of inventions identified by the Examiner:

Group I directed to a damper assembly with plural sensors; and

Group II directed to a damper member with roller elements.

Applicant hereby elects Group I, claims 39-43 and 47-51, without traverse.

The Examiner also requires Applicant to elect one of the following groups of species identified by the Examiner:

Species 1 directed to FIGS. 1-8; and

RESPONSE TO RESTRICTION
REQUIREMENT;

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PATENT

Attorney Docket No. A-70851-1/RBC/VEJ
Attorney Matter No. 463671-00069
Application No. 10/791,045

Species 2 directed to FIGS. 9-12.

Applicant hereby elects Species 2, without traverse. All pending claims are readable on the elected species. Claim 39 is generic.

Prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 463671-00069; Docket No. A-70851-1/RBC/VEJ).

Respectfully submitted,

Date: 10/12/2004

By:


Victor E. Johnson, Reg. No. 41,546 /for/
Robert B. Chickering, Reg. No. 24,286

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RESPONSE TO RESTRICTION
REQUIREMENT

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